

CAPITOL OFFICE
STATE CAPITOL, ROOM 5035
SACRAMENTO, CA 95814
TEL (916) 651-4007
FAX (916) 445-2527

DISTRICT OFFICE
1350 TREAT BLVD., SUITE 240
WALNUT CREEK, CA 94597
TEL (925) 942-6082
FAX (925) 942-6087

SENATOR.DESAULNIER@SEN.CA.GOV
WWW.SEN.CA.GOV/DESAULNIER

California State Senate

SENATOR
MARK DESAULNIER
SEVENTH SENATE DISTRICT



CHAIR
TRANSPORTATION & HOUSING

COMMITTEES
BUDGET & FISCAL REVIEW
ENERGY, UTILITIES &
COMMUNICATIONS
BUDGET SUBCOMMITTEE NO.3
ON HEALTH & HUMAN SERVICES
GOVERNANCE & FINANCE
HEALTH

December 4, 2014

Malcolm Dougherty, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Dear Director Dougherty:

I am pleased to learn that the California Department of Transportation (Caltrans) recently became the 41st state to suspend installation of the "ET-Plus" guardrail terminal manufactured by Trinity Highway Products, LLC, after a federal jury found that the manufacturer defrauded the government by failing to disclose changes made to the guardrail design.

As you know, these safety devices are installed at the end of highway guardrails to absorb the impact of vehicles, intending to reduce the chance of a motorist's injury or death from the impact. The "ET-Plus" model of end terminal was initially approved by the Federal Highway Administration (FHWA) with 5-inch guide channels. The company failed to notify FHWA of a subsequent design change to a 4-inch guide model, and this change has raised serious questions about whether the device is still capable of its intended safety function.

While FHWA completes their investigation and safety testing of the "ET-Plus" end terminal, I would like responses to the following:

1. How many of these end terminals manufactured with the 5-inch guide channels have you installed on the state highway system?
2. How many of the end terminals with 4-inch guide channels have been installed?
3. If FHWA determines that the 4-inch guide channel model end terminals are unsafe, how will you address the safety problem, in what time frame, and at what cost?
4. If you remediate the potential safety issue, will you consider pursuing recovery of costs from Trinity Highway Products, the federal government, or will state taxpayers be responsible for the costs?

I would appreciate a response as soon as possible to these critical questions. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark DeSaulnier".

Mark DeSaulnier
District 7